

SECOND REGULAR SESSION

SENATE BILL NO. 1037

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time February 9, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4950S.011

AN ACT

To repeal section 640.100, RSMo, and to enact in lieu thereof one new section relating to the public drinking water primacy fee.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 640.100, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 640.100, to read as follows:

640.100. 1. The safe drinking water commission created in section
2 640.105 shall promulgate rules necessary for the implementation, administration
3 and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking
4 Water Act as amended.

5 2. No standard, rule or regulation or any amendment or repeal thereof
6 shall be adopted except after a public hearing to be held by the commission after
7 at least thirty days' prior notice in the manner prescribed by the rulemaking
8 provisions of chapter 536, RSMo, and an opportunity given to the public to be
9 heard; the commission may solicit the views, in writing, of persons who may be
10 affected by, knowledgeable about, or interested in proposed rules and regulations,
11 or standards. Any person heard or registered at the hearing, or making written
12 request for notice, shall be given written notice of the action of the commission
13 with respect to the subject thereof. Any rule or portion of a rule, as that term is
14 defined in section 536.010, RSMo, that is promulgated to administer and enforce
15 sections 640.100 to 640.140 shall become effective only if the agency has fully
16 complied with all of the requirements of chapter 536, RSMo, including but not
17 limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 rulemaking authority delegated prior to June 9, 1998, is of no force and effect and
19 repealed as of June 9, 1998, however, nothing in this section shall be interpreted
20 to repeal or affect the validity of any rule adopted or promulgated prior to June
21 9, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this
22 section are nonseverable and if any of the powers vested with the general
23 assembly pursuant to section 536.028, RSMo, to review, to delay the effective
24 date, or to disapprove and annul a rule or portion of a rule are held
25 unconstitutional or invalid, the purported grant of rulemaking authority and any
26 rule so proposed and contained in the order of rulemaking shall be invalid and
27 void, except that nothing in this chapter or chapter 644, RSMo, shall affect the
28 validity of any rule adopted and promulgated prior to June 9, 1998.

29 3. The commission shall promulgate rules and regulations for the
30 certification of public water system operators, backflow prevention assembly
31 testers and laboratories conducting tests pursuant to sections 640.100 to
32 640.140. Any person seeking to be a certified backflow prevention assembly tester
33 shall satisfactorily complete standard, nationally recognized written and
34 performance examinations designed to ensure that the person is competent to
35 determine if the assembly is functioning within its design specifications. Any
36 such state certification shall satisfy any need for local certification as a backflow
37 prevention assembly tester. However, political subdivisions may set additional
38 testing standards for individuals who are seeking to be certified as backflow
39 prevention assembly testers. Notwithstanding any other provision of law to the
40 contrary, agencies of the state or its political subdivisions shall only require
41 carbonated beverage dispensers to conform to the backflow protection
42 requirements established in the National Sanitation Foundation standard
43 eighteen, and the dispensers shall be so listed by an independent testing
44 laboratory. The commission shall promulgate rules and regulations for collection
45 of samples and analysis of water furnished by municipalities, corporations,
46 companies, state establishments, federal establishments or individuals to the
47 public. The department of natural resources or the department of health and
48 senior services shall, at the request of any supplier, make any analyses or tests
49 required pursuant to the terms of section 192.320, RSMo, and sections 640.100
50 to 640.140. The department shall collect fees to cover the reasonable cost of
51 laboratory services, both within the department of natural resources and the
52 department of health and senior services, laboratory certification and program
53 administration as required by sections 640.100 to 640.140. The laboratory
54 services and program administration fees pursuant to this subsection shall not

55 exceed two hundred dollars for a supplier supplying less than four thousand one
 56 hundred service connections, three hundred dollars for supplying less than seven
 57 thousand six hundred service connections, five hundred dollars for supplying
 58 seven thousand six hundred or more service connections, and five hundred dollars
 59 for testing surface water. Such fees shall be deposited in the safe drinking water
 60 fund as specified in section 640.110. The analysis of all drinking water required
 61 by section 192.320, RSMo, and sections 640.100 to 640.140 shall be made by the
 62 department of natural resources laboratories, department of health and senior
 63 services laboratories or laboratories certified by the department of natural
 64 resources.

65 4. The department of natural resources shall establish and maintain an
 66 inventory of public water supplies and conduct sanitary surveys of public water
 67 systems. Such records shall be available for public inspection during regular
 68 business hours.

69 5. (1) For the purpose of complying with federal requirements for
 70 maintaining the primacy of state enforcement of the federal Safe Drinking Water
 71 Act, the department is hereby directed to request appropriations from the general
 72 revenue fund and all other appropriate sources to fund the activities of the public
 73 drinking water program and in addition to the fees authorized pursuant to
 74 subsection 3 of this section, an annual fee for each customer service connection
 75 with a public water system is hereby authorized to be imposed upon all customers
 76 of public water systems in this state. The fees collected shall not exceed the
 77 amounts specified in this subsection and the commission may set the fees, by rule,
 78 in a lower amount by proportionally reducing all fees charged pursuant to this
 79 subsection from the specified maximum amounts. **Reductions shall be roughly**
 80 **proportional but in each case shall be divisible by twelve.** Each customer
 81 of a public water system shall pay an annual fee for each customer service
 82 connection.

83 (2) The annual fee per customer service connection for unmetered
 84 customers and customers with meters not greater than one inch in size shall be
 85 based upon the number of service connections in the water system serving that
 86 customer, and shall not exceed:

| | | |
|----|------------------------------------|-----------------------|
| 87 | 1 to 1,000 connections | \$ [2.00] 3.24 |
| 88 | 1,001 to 4,000 connections | [1.84] 3.00 |
| 89 | 4,001 to 7,000 connections | [1.67] 2.76 |
| 90 | 7,001 to 10,000 connections | [1.50] 2.40 |
| 91 | 10,001 to 20,000 connections | [1.34] 2.16 |

| | | |
|----|-------------------------------------|--------------------|
| 92 | 20,001 to 35,000 connections | [1.17] 1.92 |
| 93 | 35,001 to 50,000 connections | [1.00] 1.56 |
| 94 | 50,001 to 100,000 connections | [.84] 1.32 |
| 95 | More than 100,000 connections | [.66] 1.08. |

96 (3) The annual user fee for customers having meters greater than one inch
97 but less than or equal to two inches in size shall not exceed [five dollars] **seven**
98 **dollars and forty-four cents**; for customers with meters greater than two
99 inches but less than or equal to four inches in size shall not exceed [twenty-five
100 dollars] **forty-one dollars and sixteen cents**; and for customers with meters
101 greater than four inches in size shall not exceed [fifty dollars] **eighty-two**
102 **dollars and forty-four cents.**

103 (4) Customers served by multiple connections shall pay an annual user fee
104 based on the above rates for each connection, except that no single facility served
105 by multiple connections shall pay a total of more than five hundred dollars per
106 year.

107 6. Fees imposed pursuant to subsection 5 of this section shall become
108 effective on [August 28, 1992] **August 28, 2006**, and shall be collected by the
109 public water system serving the customer **beginning September 1, 2006, and**
110 **continuing until such time that the safe drinking water commission, at**
111 **its discretion, specifies a lower amount under subdivision (1) of**
112 **subsection 5 of this section.** The commission shall promulgate rules and
113 regulations on the procedures for billing, collection and delinquent payment. Fees
114 collected by a public water system pursuant to subsection 5 of this section are
115 state fees. The annual fee shall be enumerated separately from all other charges,
116 and shall be collected in monthly, quarterly or annual increments. Such fees
117 shall be transferred to the director of the department of revenue at frequencies
118 not less than quarterly. Two percent of the revenue arising from the fees shall
119 be retained by the public water system for the purpose of reimbursing its
120 expenses for billing and collection of such fees.

121 7. Imposition and collection of the fees authorized in subsection 5 of this
122 section shall be suspended on the first day of a calendar quarter if, during the
123 preceding calendar quarter, the federally delegated authority granted to the safe
124 drinking water program within the department of natural resources to administer
125 the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not
126 be reinstated until the first day of the calendar quarter following the quarter
127 during which such delegated authority is reinstated.

128 8. Fees imposed pursuant to subsection 5 of this section shall expire on

129 September 1, [2007] **2012**.

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